

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition (S/S) No. 2603 of 2001

(Old NO. 3480 of 1997)

Rajendra Kumar S/o Sri Lakshami Chand,
R/o 96 Purva Deen Dayal, Chandrapuri,
Roorkee, District Haridwar.

..... Petitioner

Versus

1. Commissioner, Meerut Division, Meerut.
2. District Magistrate/Collector, Haridwar.
3. Additional District Magistrate, Haridwar.
4. State of U.P. through Secretary, Bhasha
Anubhag, U.P., Lucknow.
5. Ramendra Kumar S/o Sri Ram Pal Singh,
R/o Village and Post Shahabajpur,
District Bijnor.

..... Respondents

Date: July 19, 2006.

Hon'ble P.C. Verma,J.

This petition has been filed by the petitioner seeking writ of mandamus commanding the respondents to declare the result of the written examination held on 07.03.1996 in pursuance of the advertisement No. 1062/Samanya Sahayak, dated 30.03.1995.

2. The respondent No. 2 made an advertisement in Hindi Daily News Paper "Amar Ujala" on 30.3.1995 inviting the applications by 15.4.1995 for the post of Instructor to give training for Hindi typing and

shorthand. The petitioner being fully qualified for the said post had applied in pursuance of the said advertisement. The petitioner was called for written examination and he appeared in the said examination at Collectorate, Haridwar on 07.3.1996. It is alleged that more than 150 candidates including the petitioner appeared in the said written examination. The grievance of the petitioner is that the result of the said written examination has not been declared by the respondents and no interview has also been taken place but the respondent No. 2 has appointed Sri Ramendra Kumar/respondent No. 5 on the said post. It is also alleged that the petitioner has every hope of success in the written examination held on 07.3.1996 but the appointment of respondent No. 5 against the vacancy in question is illegal and arbitrary on the part of respondent No. 2.

3. The contention of the respondents is that the Selection Committee had conducted the examination and prepared the merit list on 17.1.1997 mentioning the aggregate marks and it was forwarded to the District Magistrate, Haridwar who was the appointing authority of the said post. The respondent No. 5 was appointed on 18.1.1997 on the basis of merit list. The petitioner got poor merit in typing and shorthand and in order of merit the petitioner stood on Vth position. The respondent No.5 got first position and was selected.

4. I have heard Sri S.N. Babulkar, learned counsel for the petitioner and Sri Paresh Tripathi, learned Standing Counsel for the State.

5. In view of the rival contention of the parties, I feel it appropriate to provide that in case any post is advertised by the respondents and if the petitioner applies for that in normal course for recruitment, he shall be considered.

6. The petition is disposed of accordingly.

(P.C.Verma,J.)
19.07.2006

P.Singh